

II.

2. An agreement to compromise and settle Plaintiff's claims against Defendant Liles was subsequently reached and is in the process of being finalized, at which time a Final Consent Judgment will be submitted to the Court that will resolve all pending claims against Defendant Liles. As a result of these changed circumstances, Defendants Dudte and Liles hereby move to withdraw their Rule 12b Motion to Dismiss for Lack of Personal Jurisdiction.

WHEREFORE, PREMISES CONSIDERED, Defendants Dudte and Liles pray that the Court grant their Motion to Withdraw Plea to the Jurisdiction, along with such other and further relief to which said Defendants may be justly entitled.

Respectfully submitted,

**FANNING HARPER MARTINSON
BRANDT & KUTCHIN, P.C.**

By: s/Don Martinson
DON MARTINSON (*attorney in charge*)
Texas State Bar No. 13144700
MARC H. FANNING
Texas State Bar No. 06805400
LESLIE ECHOLS PITTS
Texas State Bar No. 00784007
Two Energy Square
4849 Greenville Avenue, Suite 1300
Dallas, Texas 75206
(214) 369-1300 (office)
(214) 987-9649 (fax)
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

Per Fed.R.Civ.P. 5(b), I certify that on the 9th day of July, 2010, I electronically filed per Local Rule 5.1(d) of the Northern District of Texas the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

D. Scott Hemingway
Eugenia S. Hansen
Hemingway & Hansen, L.L.P.
1717 Main Street, Suite 2500
Dallas, TX 75201

Counsel for Plaintiff

s/Don Martinson

DON MARTINSON